



Exhibit 5	Batashvili Email Correspondence re Jewelry Insurance	page 22 to 42
Exhibit 6	Transcript of Asher Deposition re offshore investments	page 43 to 44
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Exhibit 13	Email Exchange between Counsel for Receiver and Defendants' proposed new Counsel	page 55 to 58

Dated: April 20, 2021

Respectfully submitted,  
**SCHEEF & STONE, L.L.P.**

By: /s/ Peter Lewis  
Peter Lewis  
Texas State Bar No.12302100  
[Peter.lewis@solidcounsel.com](mailto:Peter.lewis@solidcounsel.com)

500 N. Akard Street, Suite 2700  
Dallas, Texas 75201  
(214) 706-4200 – Telephone  
(214) 706-4242 – Telecopier

**ATTORNEY FOR RECEIVER**  
**KELLY M. CRAWFORD**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 20, 2021, I electronically filed the foregoing document with the clerk of the U.S. District Court, Eastern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record.

/s/ Peter Lewis  
**PETER LEWIS**



(collectively, the “Receivership Orders”).<sup>1</sup>

3. In the course of my investigation, I have become aware of numerous violations of the Receivership Orders and the Agreed Order Finding Defendant Lucas Asher in Contempt of This Court’s Orders and Continuance of Show Cause Hearing (“Contempt Order”) entered on December 15, 2020 [Dkt. 216].

4. As Receiver I made demand upon the attorney for Defendants Asher and Batashvili to identify entities they owned or controlled. Due to their failure to respond to my requests, on October 23, 2020 I filed an *Emergency Motion for “Show Cause” Hearing to Hold Defendants Asher and Batashvili in Civil Contempt* [Docket No. 175]. Soon after the Motion was filed, the attorney for Defendants Asher and Batashvili sent me an email purporting to identify all the entities the Defendants admit to owning or controlling.

5. As detailed in my Declaration in Support of Receiver’s Motion to Identify Certain Entities in Receivership [Dkt. 226-2], further investigation revealed the existence of a number of additional entities that were determined to compromise the Receivership estate. [Dkt. 230.] Identification of these entities was only made possible through my investigation and did not result from the voluntary identification of Defendants Asher and Batashvili.

6. As detailed in the Receiver’s Emergency Motion for “Show Cause” Hearing to Hold Defendant Asher in Civil Contempt, and Brief in Support (“Asher Show Cause Motion”), filed on November 23, 2020 [Dkt. 195], the SRO Order [Dkt. 16] was served on Defendant Asher on September 26, 2020. [Dkt. 195 at p. 4.] But on September 28, 2020, I learned that Defendant

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<sup>1</sup> The Consent Order of Preliminary Injunction and Other Equitable Relief Against Defendants Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher and Simon Batashvili (the “Individuals’ Consent Order”) [Docket No. 165], and the Consent Order of Preliminary Injunction and Other Equitable Relief Against Defendants TMTE, Inc. a/k/a Metals.com, Chase Metals, Inc., Chase Metals, LLC, Barrick Capital, Inc., and Relief Defendant Tower Equity, LLC (the “Entities’ Consent Order”)[Docket No. 164].

Asher attempted to sell his Ferrari in violation of the SRO. [Id.] That evening, Defendant Asher left a voicemail for me denying any violation of the SRO and pledging his full compliance with the Court's Order. [Id. at pp. 4-5.] The next day, Defendant Asher again violated the SRO by transferring \$550,000 from an account under his control at Bank of America. [Id. at p. 5.] Defendant Asher admitted and confessed to this violation of the SRO in the Contempt Order. [Dkt. 216 at pp. 3-4.] Having found Defendant Asher in violation of the SRO, the Court Ordered him to complete the purging of his contempt by providing "full, complete, and accurate testimony" concerning the assets under his control. [Dkt. 216 at p. 5.]

7. Defendant Asher failed to comply with the Contempt Order he agreed to by failing to provide pertinent information concerning the assets under his control. Among, but not inclusive of, the information Defendant Asher promised to provide at the deposition intended to purge him of his contempt of Court, were his income derived from Defendant Chase Metals in 2019, telephone numbers used by him over the past three years, bank accounts for Magic Star Arrow, and information concerning the investments of Relief Defendant Tower Equity, LLC, and dividends for Relief Defendant Tower Equity. Furthermore, Defendant Asher failed to take action he had promised to take in his deposition, such as the production of his consent to release his tax returns, recovery of monies deposited at Balboa Bank & Trust in Panama, and determining the ownership of certain entities. During the entire time Defendant Asher agreed to provide the information to the Receiver, he was represented by counsel of his choosing. Despite repeated correspondence from me to Defendant Asher's counsel urging him to comply with the Court's Order and the promises made at his deposition, Defendant Asher has not complied. A full and complete list of the aforementioned items and my correspondence with Defendant Asher's counsel on this matter are attached hereto as **Exhibit 1** (February 16, 2021 correspondence) and **Exhibit 2**

(March 10, 2021 correspondence).

8. Defendant Batashvili has likewise failed to provide information he promised to provide in his deposition concerning assets comprising the Receivership estate, including but not limited to his total compensation for the year 2018, a list of all financial institutions in which he has been a signatory, and contact information for his accountant. Correspondence to his counsel concerning Defendant Batashvili's failure to provide this information is attached hereto as **Exhibit 3**.

9. Furthermore, in the course of his deposition, Defendant Batashvili falsely testified he had no interest in any jewelry assets. The relevant excerpt of the transcript of Defendant Batashvili's deposition is attached hereto as **Exhibit 4**. I discovered documentation showing Defendant Batashvili seeking insurance for approximately \$300,000 worth of jewelry assets owned by he and his wife six months prior to his deposition, as shown in **Exhibit 5**.

10. During the deposition of Defendant Asher, I asked him about the Panamanian offshore trust he set up called Prometheus Laboratories. I then asked Asher "Have you ever owned any interest in any other offshore entity or offshore trust other than Prometheus Laboratories that we discussed here today?". Defendant Asher testified under oath "No." Attached hereto as **Exhibit 6** is a relevant excerpt from the transcript of the deposition of Defendant Asher. After the deposition, I discovered that Defendant Asher's testimony was false. Asher set up an offshore trust called "Kotel International Trust in the Cook Islands" for Relief Defendant Tower Equity. Attached hereto as **Exhibit 7** is a true and correct copy of an *Affidavit of Solvency* executed by Defendant Asher on behalf of Relief Defendant Tower Equity, LLC. I also discovered the document attached hereto as **Exhibit 8** that shows Defendant Asher conducted business under the name of Kotel Int. Ltd., with an office at P.O. Box 11, ANZ House Avanaa, Raratonga Cook Islands, and Defendant

Asher used an email address for the Kotel trust at Asher@KotelHoldings.com. I specifically asked Defendant Asher during his deposition to identify email addresses he had used and he failed to disclose the KotelHoldings email address. Attached hereto as **Exhibit 9** is a relevant excerpt from the transcript of Defendant Asher's deposition regarding his email addresses.

11. Article IX of the Individuals Consent Order was included at the request of Defendants Asher and Batashvili and sets forth a procedure for Defendants Asher and Batashvili to seek gainful employment and earn new income to pay for their reasonable and necessary living expenses. To date I have not been informed of any New Income earned by Defendants Asher and Batashvili. When I asked Defendant Asher if he has sought new employment he indicated he had not because of the pandemic, and further added that he doesn't have clarity on the direction he wants to go. A true and correct copy of this testimony by Defendant Asher is set forth in the relevant excerpt from the transcript of Defendant Asher's deposition attached hereto as **Exhibit 10**.

12. I read the Declaration of Lucas Asher dated March 30, 2021 and filed in this case. In the Declaration, Defendant Asher states in paragraph 3 that "I have also invested in multi-family and commercial properties nationwide. I used income from these real-estate ventures to invest further in pre-IPO technology companies like SpaceX, Pinterest, Robinhood, Adaptive Biotechnologies, Palantir and many more." Based upon my investigation, I believe this statement by Mr. Asher is false. Investments in pre-IPO technology companies SpaceX, Pinterest, Robinhood, Adaptive Biotechnologies, Palantir and many more were made in the name of Tower Equity, LLC. Indeed, Tower Equity, LLC made the SpaceX investment through Forge, and Tower Equity, LLC made the investments in other pre-IPO technology companies through EquityZen. Tower Equity, LLC's monies that were used for investment included monies generated from the sales of metals by Defendants Metals.com, Chase Metals, and Barrick Capital that were deposited



into the Tower Equity, LLC bank account. Indeed, Defendant Asher admitted in his deposition that TMTE, Chase Metals, or Chase Metals, LLC sent funds to Tower Equity. A true and correct copy of this testimony by Defendant Asher is set forth in the relevant excerpt from the transcript of Defendant Asher's deposition attached hereto as **Exhibit 11**.

13. I read the Declaration of Defendant Simon Batashvili dated March 30, 2021 and filed in this action. In paragraph 12 of his Declaration, Defendant Batashvili declares that "some of the frozen assets include college savings accounts for my children, which include assets that were provided by unconnected third parties." Based upon my investigation, I believe this statement is erroneous in many respects. First, I am only aware of Defendant Batashvili having one child and there being one college savings account that was frozen, not multiple children and multiple accounts. Attached as **Exhibit 12** is an accounting of the deposits totaling \$50,809 into the account for Defendant Batashvili's daughter. The accounting was prepared by my accountant Jeff Brandlin based upon bank records obtained as part of the receivership. Other than interest earned on the account, the deposits are all made by either Defendant Batashvili or entities included within the scope of the Consent Order.

14. Defendants Asher and Batashvili have failed to voluntarily turn over any receivership assets to me other than two cars.

15. Pursuant to the Order Establishing Claims Adjudication Process, I have distributed claim confirmation forms to more than 1,600 persons who purchased metals from the Defendants. To date, the receivership account has a balance of approximately \$8.3 million.

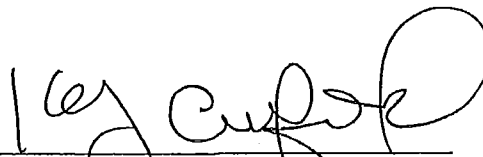
16. My counsel Peter Lewis specifically requested Gene Besen, one of the Proposed New Counsel, to identify untainted assets in the receivership. Mr. Besen refused, claiming it was impossible without his clients documents and records. A true and correct copy of the email

exchange between my counsel Mr. Lewis and the Defendants' Proposed New Counsel Besen is attached hereto as **Exhibit 13**.

17. Each of the exhibits attached hereto are duplicates of the records in my possession and custody as Receiver. It is my belief the records were made at or near the time of the occurrence of the matters set forth in the records. The records were maintained by me in the course of my regularly conducted activity as Receiver, and it is my belief the records were made by the regularly conducted activity as a regular practice.

18. I declare under penalty of perjury that the foregoing is true and correct and is within my personal knowledge.

Dated: April 19, 2021

  
\_\_\_\_\_  
KELLY M. CRAWFORD  
RECEIVER

Kelly Crawford  
Receiver  
500 N. Akard, Suite 2700  
Dallas, Texas 75201  
(214) 706-42123  
kelly.crawford@solidcounsel.com

February 16, 2021

Via Electronic Mail to cdavis@grayreed.com

Chris Davis  
Gray Reed  
1601 Elm Street, Suite 4600  
Dallas, Texas 75201

RE: *Commodity Futures Trading Commission, et al v. TMTE, Inc. a/k/a Metals.com, Chase Metals, Inc., Chase Metals, LLC, Barrick Capital, Inc., Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher, Simon Batashvili, Defendants and Tower Equity, LLC, Relief Defendant.*; Cause No. 3:20-CV-2910-L; pending in the United States District Court for the Northern District of Texas, Dallas Division

Dear Chris:

As we discussed at Mr. Asher's deposition, the following is a list of items Mr. Asher testified he would assist me with or provide information to me regarding:

1. Please produce a copy of the engagement agreement between Mr. Asher and Mr. Spencer. *See page 319, lines 15-22.*
2. Mr. Asher testified he informed Mr. Spencer of corporations I was not aware of. Please provide the names of such corporations. *See page 329, lines 4-17.*
3. Mr. Asher testified he would provide the address of the "We-Works like" office he spent time at on the Wednesday prior to his deposition. Please provide the address. *See page 344, line 25 and page 345, lines 1-2.*
4. Mr. Asher indicated he would take action to have the monies he deposited at Balboa Bank & Trust in Panama turned over to the Receiver. Please request Mr. Asher to contact the bank, obtain the relevant information about the account, and provide me such information with his consent for the turnover of the monies. *See page 350, lines 22-24.*



5. Mr. Asher testified he would provide the amount of dividends he received from Tower Equity and Best New. *See page 356, lines 5-6.*
6. Mr. Asher testified he would provide his income from Chase Metals in 2019. *See page 356, line 21-22.*
7. Mr. Asher indicated he asked for information from Brager Tax Law Group, including tax returns, and Brager Tax Group refused because of monies owed. *See page 357, lines 17-22.* I provided Brager Tax Law Group with a copy of the receivership Orders and demanded the production of records. Brager Tax Law Group refused to make such production without Mr. Asher's consent, claiming an attorney client privilege with Mr. Asher. With respect to Mr. Asher's tax returns, in which there is no attorney client privilege, I request that Mr. Asher direct the Brager Tax Law Group to produce his tax returns to me.
8. Mr. Asher testified he would provide me with the telephone numbers he has used in the past three years. *See page 357, lines 23-24.*
9. Mr. Asher testified that he would find out the location of the bank accounts for MagicStar Arrow. *See page 379, lines 8-9.*
10. Mr. Asher testified he would find and share with me the name of the individual at Equidate who led the syndicate that Tower Equity invested in that in turn invested in Space Exploration, Inc. *See page 397, lines 23-25 and page 398, lines 1-4.*
11. Mr. Asher testified he would find out information about the acquisition of the painting by Jean-Michael Basquiat called "Per Capita" that was in the office at 8383 Wilshire Blvd. *See page 399, line 25 and page 400, lines 1-13.*
12. Mr. Asher testified he would determine what was purchased at VIBE Motorsports for \$2,400 as shown on his Capital One card. *Page 403, lines 20-23.*
13. Mr. Asher testified he would determine the ownership of Newmont Administration, Inc. or Newmont Financial. *See page 408, lines 12-18.*
14. Mr. Asher testified he would determine the ownership of Reagan Financial, Inc. *See page 408, lines 23-25 and page 409, lines 1-3.*

15. Mr. Asher testified he would contact Dennis Belichenko to obtain financial information to turn over to the receivership. *See page 412, lines 16-20.* His email is [dennis.sf@gmail.com](mailto:dennis.sf@gmail.com).
16. Mr. Asher testified he would call EquityZen and obtain information regarding the investments made by Tower and assist in transferring those investments to the Receiver. *See page 416, lines 21-25 and page 418, lines 14-20.*
17. Mr. Asher testified he would provide the name of the management company for Tower Equity and the name of other companies used to purchase properties. *See page 420, lines 14-18.*
18. Mr. Asher testified he would provide Blake Corbin's address. *See page 450, line 10.*
19. M. Asher testified he would assist in obtaining information from EquityZen and Forge regarding equity investments made by Tower Equity in Ripple and other investments. *See page 456, lines 11-14.*
20. Mr. Asher testified he would provide the addresses of the apartment complexes in Ft. Worth, Texas and Edinburg, Texas in which Tower invested. *See page 457, lines 15-17.*

With respect to each of the foregoing items, I request that Mr. Asher provide me the information he testified he would obtain. Should have you have any questions regarding any of the foregoing, please let me know.

Sincerely,

*/s/Kelly M. Crawford*

Kelly M. Crawford  
Receiver

cc: Rich Foelber, CFTC (via email)  
JonMarc Buffa, CFTC (via email)  
Chrissi Cella, Office of Attorney General, State of Texas (via email)  
Arnold Spencer, Esq. (via email)  
Peter Lewis, Firm

## Kelly Crawford

---

**From:** Kelly Crawford  
**Sent:** Wednesday, March 10, 2021 2:45 PM  
**To:** Chris Davis  
**Cc:** arnoldspencer75225@gmail.com; Peter Lewis; rfoelber@CFTC.gov; JBuffa@CFTC.gov  
**Subject:** FW: Lucas Asher  
**Attachments:** 2nd Letter to Kelly Crawford.pdf

Chris,

To date I have not received any of the information Lucas Asher promised in his deposition to provide to me. Also, attached is a letter from the firm Mr. Asher identified as having his tax returns. They are requesting Mr. Asher's consent to provide the records to me. Pursuant to Mr. Asher's deposition testimony and his obligations under the receivership orders, I request that Mr. Asher provide this consent. Thank you.

**Kelly Crawford** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.706.4213

Office: 214.706.4200 | Fax: 214.706.4242

500 North Akard Street, Suite 2700, Dallas, TX 75201



**SCHEEF & STONE**  
SOLID COUNSEL

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**From:** Lauren Rosas <lrosas@bragertaxlaw.com>  
**Sent:** Wednesday, March 10, 2021 1:10 PM  
**To:** Kelly Crawford <kelly.crawford@solidcounsel.com>  
**Cc:** Guy Glaser <gglaser@bragertaxlaw.com>; Dennis Brager <dbrager@bragertaxlaw.com>  
**Subject:** Letter to Kelly Crawford

CAUTION: EXTERNAL EMAIL

Ms. Crawford:

Please see attached letter on behalf of Mr. Guy Glaser. We will also be sending out via Mail as well. Should you have any questions, please contact Mr. Guy Glaser directly.





**Brager  
Tax  
Law  
Group**

Tax Controversy Law  
Tax Controversy Law  
Tax Controversy Law  
Tax Controversy Law

Visit Our Website

**Lauren Rosas**  
Administrative Assistant

11400 W. Olympic Blvd. Suite 750 • Los Angeles, CA 90064  
Telephone 310 208 6200 • Fax 310 478 8030



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Tel: 310.208.6200  
Fax: 310.478.8030

[www.bragerlaw.com](http://www.bragerlaw.com)

March 10, 2021

SENT VIA EMAIL ONLY: [kelly.crawford@solidcounsel.com](mailto:kelly.crawford@solidcounsel.com)

Kelly Crawford  
Receiver  
500 N. Akard, Suite 2700  
Dallas, Texas 75201

*Re: Commodity Futures Trading Commission, et al v. TMTE, Inc. a/k/a Metals.corn, Chase Metals, Inc., Chase Metals, LLC, Barrick Capital, Inc., Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher, Simon Batashvili, Defendants and Tower Equity, LLC, Relief Defendant.; Cause No. 3:20-CV-2910-L; pending in the United States District Court for the Northern District of Texas, Dallas Division*

Dear Ms. Crawford:

We are in receipt of your letter dated February 25, 2021, in which you are seeking tax records and other information which you believe are in our possession concerning Mr. Lucas Asher.

Notwithstanding what Mr. Asher stated during his deposition, he is mistaken in his belief that we are, or have ever been, his accountants. We also have not received any request from Mr. Asher to provide him with his files. In fact, we have reached out to Mr. Asher to try to obtain his consent to release whatever documents and other information we may have that are responsive to your request, but he has not responded.

Accordingly, we would like to take you up on your offer in the last paragraph of your letter – Namely that you provide us with Mr. Asher's written consent to release whatever documents we may have in our possession that are responsive to your request, including tax returns and other privileged information, if such exists.

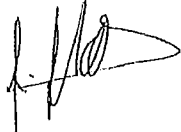




Kelly Crawford  
March 10, 2021  
Page 2

If you have any questions about this letter, please do not hesitate to give me a call at (310) 208-6200 or you can email me at [gglaser@bragertaxlaw.com](mailto:gglaser@bragertaxlaw.com)

Sincerely,



Guy H. Glaser

GG:lr  
cc: Lucas Asher (via email)

L.

Kelly Crawford  
Receiver  
500 N. Akard, Suite 2700  
Dallas, Texas 75201  
(214) 706-4213  
kelly.crawford@solidcounsel.com

February 25, 2021

Via Electronic Mail and First Class Mail

Arnold Spencer  
Spencer & Associates  
5949 Sherry Lane, Suite 900  
Dallas, Texas 75225

RE: *Commodity Futures Trading Commission, et al v. TMTE, Inc. a/k/a Metals.com, Chase Metals, Inc., Chase Metals, LLC, Barrick Capital, Inc., Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher, Simon Batashvili, Defendants and Tower Equity, LLC, Relief Defendant.; Cause No. 3:20-CV-2910-L; pending in the United States District Court for the Northern District of Texas, Dallas Division*

Dear Arnold:

This letter is directed to you as the current attorney of record for Defendant Simon Batashvili. During Mr. Batashvili's deposition taken on November 4, 2020, in which you represented Mr. Batashvili, Mr. Batashvili agreed to provide me with specific information. More than 3 months have elapsed since that deposition and Mr. Batashvili has failed to provide any of the information he promised.

As you are aware, pursuant to the Receivership Orders entered by the Court, Mr. Batashvili has a duty to provide information to me and to cooperate with me. His failure to provide information he agreed to provide to me under oath at his deposition violates the Receivership Orders. Prior to reporting Mr. Batashvili's violations of the Receivership Orders and his failure to provide the information he promised to provide at his deposition, I want to give Mr. Batashvili a final opportunity to provide such information.

Specifically, Mr. Batashvili testified he would provide me the following information:

1. The name of the attorney who is the trustee of the Capbap Trust and the trust documents that are with the attorney. *Page 86, lines 9-25; page 87, lines 1-2.*



**Appendix 18**

February 25, 2021

Page 2

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2. A list of all financial institutions in which he has been a signatory. *Page 100, lines 11-22.*
3. The names of the attorneys at BakerHostetler who represented him personally in the last three years. *Page 128, lines 3-13.*
4. Contact information for Stewart Paul, his accountant. *Page 180, lines 4-12.*
5. His total compensation for 2018. *Page 180, lines 13-17.*

With respect to each of the foregoing items, I request that within one week Mr. Batashivili provide me the information he testified he would obtain. Should have you have any questions regarding any of the foregoing, please let me know.

Sincerely,

*/s/Kelly M. Crawford*

Kelly M. Crawford  
Receiver

cc: Rich Foelber, CFTC (via email)  
JonMarc Buffa, CFTC (via email)  
Chrissi Cella, Office of Attorney General, State of Texas (via email)  
Peter Lewis, Firm

1                   IN THE UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF TEXAS  
3  
4                   )  
5           COMMODITY FUTURES TRADING           )  
6           COMMISSION et al.,                   )  
7                   Plaintiff,                   ) Case No.:  
8                   ) 3:20-CV-2910-L  
9                   ) vs.                   )  
10           TMTE, INC. A/k/a METALS.COM,       )  
11           CHASE METALS, INC., CHASE        )  
12           METALS, LLC, BARRICK               )  
13           CAPITAL, INC., LUCAS THOMAS       )  
14           ERB a/k/a LUCAS ASHER a/k/a        )  
15           LUKE ASHER, and SIMON             )  
16           BATASHVILI                         )  
17                   Defendants.                   )  
18                   ) and                   )  
19           Tower Equity, LLC,                 )  
20           Relief Defendant                   )  
21                   )  
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25                   )  
  
18           REMOTE VIDEO-RECORDED DEPOSITION OF SIMON BATASHVILI  
19                   Wednesday, November 4, 2020  
20                   VOLUME I  
21  
22           Stenographically Reported by:  
23           Mechelle S. Gonzalez  
24           CSR No. 13250  
25           Job No. 96641  
  
25           PAGES 1 - 201

Page 78	Page 80
1	1 possession of the watch.
2	2 Q. Where is that watch?
3	3 A. What watch are you talking about? Because
4	4 I don't have a -- I just don't have a watch.
5	5 Q. Have you ever owned a watch in your
6	6 lifetime?
7	7 A. I've had a watch, sure.
8	8 Q. Yes?
9	9 A. Yes.
10	10 Q. Have you ever purchased a watch outside the
11	11 United States?
12	12 A. If I remember correctly, I think you are
13	13 right. There was a watch that was purchased in
14	14 London. I think that's where it was. It could have
15	15 been Paris or something like that.
16	16 Q. Where is that watch?
17	17 A. I don't have the watch. It should be
18	18 somewhere in the house if it was, or it's lost.
19	19 Q. How much did you purchase the watch for?
20	20 A. I think it was under 3,000, but I'm not
21	21 sure. I can't remember. Something like that.
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From: Simon Batashvili  
Sent: Wednesday, April 29, 2020 5:01 PM CDT  
To: Gretchen Clark  
CC: Fainche MacCarthy  
Subject: Re: [EXTERNAL] Batashvili Insurance Policy

Let's move forward w it. Thank you for your help.

On Apr 29, 2020, at 2:36 PM, Gretchen Clark <gretchen\_clark@icloud.com> wrote:

Savings is \$3,868.90 annually w/ the multi-car discount on your policy and the cost difference between State Farm and AllState on the other two cars. (This assumes driving records don't change those numbers.)

On Apr 29, 2020, at 2:28 PM, Simon Batashvili <[simon@towerequity.com](mailto:simon@towerequity.com)> wrote:

DO you have a total savings amount by chance?

*Sent with Shift*

On Wed, Apr 29, 2020 at 2:26 PM Gretchen Clark <[gretchen\\_clark@icloud.com](mailto:gretchen_clark@icloud.com)> wrote:

Simon, it definitely is a savings. Im assuming. You want to switch? You guys are currently paying quite a bit more for AllState. My assumption is this can still go up based on driving records, but prob still better than AllState at \$6061.99 annually. Your mom is \$4k.

I'll ask Natalie what next steps are.  
Sent from my iPhone

Begin forwarded message:

From: Natalie Ferrari <[natalie.ferrari.tyta@statefarm.com](mailto:natalie.ferrari.tyta@statefarm.com)>  
Date: April 29, 2020 at 2:06:59 PM PDT  
To: Gretchen Clark <[gretchen\\_clark@icloud.com](mailto:gretchen_clark@icloud.com)>  
Cc: Fainche MacCarthy <[fainche@fainche.com](mailto:fainche@fainche.com)>, Simon Batashvili <[simon@towerequity.com](mailto:simon@towerequity.com)>  
Subject: RE: [EXTERNAL] Batashvili Insurance Policy

Hi Gretchen,

Thank you for the email and all the information. I have attached the auto quotes.



If the Mercedes and Land Rover is added the 2019 Mercedes policy will qualify for the multicar discount. The current premium is \$2,958.44. With the multicar discount the premium will decrease to \$2,373.95.

For the Jewelry policy, the premiums provided per deductible are annual. The policy can be put on a monthly payment plan. For items over \$5,000 I will need an appraisal no more than 5 years old to put the policy enforce. Coverage can be started today.

Please contact me if you have any questions.

Thank you,

Natalie Ferrari

Lic. # 0125941

Fred Stahl, Agent

State Farm Insurance

18740 Oxnard St. #314

Tarzana, CA 91356

Office: 818-705-5846

Fax: 818-342-7614

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**Please don't make it my job to tell your family you didn't have any.**

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\*Please do not email me any personal sensitive information Social Security Numbers, Drivers License, Debit/Credit Card or Bank Account Numbers.

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**From:** Gretchen Clark (mailto:[gretchen\\_clark@icloud.com](mailto:gretchen_clark@icloud.com))  
**Sent:** Wednesday, April 29, 2020 1:19 PM  
**To:** Natalie Ferrari <[natalie.ferrari.tyta@statefarm.com](mailto:natalie.ferrari.tyta@statefarm.com)>  
**Cc:** Fainche MacCarthy <[fainche@fainche.com](mailto:fainche@fainche.com)>; Simon Batashvili <[simon@towerequity.com](mailto:simon@towerequity.com)>  
**Subject:** Re: [EXTERNAL] Batashvili Insurance Policy

Hi Natalie,

Can you also give us a quote to move two cars over to State Farm. Details are below for coverage.

Simon's mom, Manana Batashvili, drives Mercedes

And, Fainche and Simon drive Range Rover.

Let me know if you need anything else.

Thank you.

Gretchen

Sent from my iPhone

On Apr 29, 2020, at 11:18 AM, Gretchen Clark <[gretchen\\_clark@icloud.com](mailto:gretchen_clark@icloud.com)> wrote:

Hi Natalie,



We're interested in the below deductible preferences. Will you confirm the below costs are an annual charge, and can you bill us monthly and let us know what the monthly rate is? And, finally, how soon can this go into effect?

Thank you.

Gretchen

310.739,2268

Ring:

- Ladies 3-carat, F-color, VS-1 clarity Asscher Cut Solitaire - \$59,575

\$2000 deductible- \$940

- Ladies 2-stone 18K white gold ring setting for Asscher cut diamond; .59 carats, F-color, Clarity VS - \$2,300

No deductible- \$60

Earrings:

- Round Brilliant Diamond, 3.02-carat, Clarity SI-2, Color H - \$59,115

\$2000 deductible- \$933

- Round Brilliant Diamond, 3.01-carat, Clarity SI2, Color G - \$59,575

\$2000 deductible- \$940

Round Brilliant diamond earrings, 3.05CTTW, Color H-I, Clarity I1-I2 - \$13,000

\$1000 deductible- \$105

Ladies Cartier Love Bracelet, yellow gold, 4 diamonds, 16 cm - \$10,100

\$500 deductible- \$104

Ladies Cartier Love Bracelet, yellow gold, 16 cm - \$6,300

\$500 deductible- \$60

Ladies Cartier Watch, New Panthers MM, Yellow Gold Pave Bezel Quart - \$27,100

\$1000 deductible- \$233

Mens Rolex Daytona 116528-GLDD Champagne Diamond 18k Yellow Gold - \$36,600

\$1000 deductible- \$374

Men's Rolex Cosmograph Daytona, Oyster, 40mm, Yellow Gold - \$28,500

\$1000 deductible- \$249

Ladies Rolex Day-Date 40, Oyster, 40mm, Yellow Gold - \$36,500

\$1000 deductible- \$373

Ladies 18K White Gold Emerald Step Cut Eternity Ring, 18 Emerald step cut diamonds, 8.56 carat total, Color G, VS1 - \$42,930

\$2000 deductible- \$415

Sent from my iPhone

On Apr 28, 2020, at 11:44 AM, Natalie Ferrari <[natalie.ferrari.tyta@statefarm.com](mailto:natalie.ferrari.tyta@statefarm.com)> wrote:

Thank you for providing the information. I have listed the quotes per item below. Each quote includes 4 deductible options. If you would like to see higher deductible options please let me know. Also note that you can choose the deductible per item and the minimum premium for this policy is \$60 annually.

Please contact me if you have any questions.

Thank you,

Natalie Ferrari

Lic. # 0125941

Fred Stahl, Agent

State Farm Insurance,  
18740 Oxnard St. #314  
Tarzana, CA 91356  
Office: 818-705-5846  
Fax: 818-342-7614

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**It is my job to ask you about Life Insurance.**

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\*Please do not email me any personal sensitive information Social Security Numbers, Drivers License, Debit/Credit Card or Bank Account Numbers.

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**From:** Gretchen Clark [[mailto:gretchen\\_clark@icloud.com](mailto:gretchen_clark@icloud.com)]  
**Sent:** Monday, April 27, 2020 3:38 PM  
**To:** Natalie Ferrari <[natalie.ferrari.tyta@statefarm.com](mailto:natalie.ferrari.tyta@statefarm.com)>  
**Cc:** Falinche MacCarthy <[falinche@falinche.com](mailto:falinche@falinche.com)>; Simon Batashvili <[simon@towerequity.com](mailto:simon@towerequity.com)>  
**Subject:** Re: [EXTERNAL] Batashvili Insurance Policy

Ring:

- Ladies 3-carat, F-color, VS-1 clarity Asscher Cut Solitaire - \$59,575

No deductible- \$1,487

\$500 deductible- \$1,237

\$1000 deductible- \$1,047

\$2000 deductible- \$940

- Ladies 2-stone 18K white gold ring setting for Asscher cut diamond; .59 carats, F-color, Clarity VS - \$2,300

No deductible- \$60

\$500 deductible- \$60

\$1000 deductible- \$60

\$2000 deductible- \$60

Earrings:

- Round Brilliant Diamond, 3.02-carat, Clarity SI-2, Color H - \$59,115

No deductible- \$1,476

\$500 deductible- \$1,229

\$1000 deductible- \$1,040

\$2000 deductible- \$933

- Round Brilliant Diamond, 3.01-carat, Clarity SI2, Color G - \$59,575

No deductible- \$1,487

\$500 deductible- \$1,237

\$1000 deductible- \$1,047

\$2000 deductible- \$940

Round Brilliant diamond earrings, 3.05CTTW, Color H-I, Clarity I1-I2 - \$13,000

No deductible- \$167

\$500 deductible- \$132

\$1000 deductible- \$105

\$2000 deductible- \$90

Ladies Cartier Love Bracelet, yellow gold, 4 diamonds, 16 cm - \$10,100

No deductible- \$131

\$500 deductible- \$104

\$1000 deductible- \$83

\$2000 deductible- \$71

Ladies Cartier Love Bracelet, yellow gold, 16 cm - \$6,300

No deductible- \$86

\$500 deductible- \$60

\$1000 deductible- \$60

\$2000 deductible- \$60

Ladies Cartier Watch, New Panthers MM, Yellow Gold Pave Bezel Quart - \$27,100

No deductible- \$370

\$500 deductible- \$293

\$1000 deductible- \$233

\$2000 deductible- \$199

Mens Rolex Daytona 116528-GLDD Champagne Diamond 18k Yellow Gold - \$36,600

No deductible- \$593

\$500 deductible- \$469

\$1000 deductible- \$374

\$2000 deductible- \$320

Men's Rolex Cosmograph Daytona, Oyster, 40mm, Yellow Gold - \$28,500

No deductible- \$396

\$500 deductible- \$313

\$1000 deductible- \$249

\$2000 deductible- \$214

Ladies Rolex Day-Date 40, Oyster, 40mm, Yellow Gold - \$36,500

No deductible- \$592

\$500 deductible- \$467

\$1000 deductible- \$373

\$2000 deductible- \$320

Ladies 18K White Gold Emerald Step Cut Eternity Ring, 18 Emerald step cut diamonds, 8.56 carat total, Color G, VS1 - \$42,930

No deductible- \$768

\$500 deductible- \$607

\$1000 deductible- \$485

\$2000 deductible- \$415

Thank you.

Gretchen

Sent from my iPad

On Apr 27, 2020, at 2:49 PM, Natalie Ferrari <[natalie.ferrari.tyta@statefarm.com](mailto:natalie.ferrari.tyta@statefarm.com)> wrote:

Hi Gretchen,

Thank you for the email. I spoke with Simon last month and started a renters policy on Conway Ave. The personal property coverage limit is \$700,000 and personal liability coverage limit is \$500,000. The jewelry coverage maximum for the renters policy is \$1,500. To provide a quote for the jewelry policy I'll need a breakdown of the cost per item and will need to know if any items are a pair or set.

Please contact me if you have any questions.

Thank you,

Natalie Ferrari

Lic. # 0125941

Fred Stahl, Agent

State Farm Insurance

18740 Oxnard St. #314

Tarzana, CA 91356

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**From:** Gretchen Clark [[mailto:gretchen\\_clark@icloud.com](mailto:gretchen_clark@icloud.com)]

**Sent:** Monday, April 27, 2020 1:58 PM

**To:** Natalie Ferrari <[natalie.ferrari.tyta@statefarm.com](mailto:natalie.ferrari.tyta@statefarm.com)>

**Cc:** Fainche MacCarthy <[fainche@fainche.com](mailto:fainche@fainche.com)>; Simon Batashvili  
<[simon@towerequity.com](mailto:simon@towerequity.com)>

**Subject:** [EXTERNAL] Batashvili Insurance Policy

Hi Natalie,

I am reaching out on behalf of Fainche and Simon Batashvili. I'd like to get an estimate to add some personal items to their insurance. I realize they don't have renters insurance with you so maybe you want to quote that as well? Below please find the details of what to estimate.

224 Conway Ave  
Los Angeles, CA 90024

<image001.jpg>

Jewelry value is approx \$300k

Thanks.  
Gretchen  
310.739.2268

Sent from my iPhone

--  
Simon Batashvili  
*Venture Capitalist*  
Regd508c, EQUITY  
p: 877-505-7366  
f: 888-546-7568  
a: 8383 Wilshire Blvd,  
Beverly Hills, CA 90211  
w: [TowerEquity.Com](http://TowerEquity.Com)  
[Simon@TowerEquity.Com](mailto:Simon@TowerEquity.Com)



---

**From:** Gretchen Clark  
**Sent:** Thursday, May 14, 2020 6:25 PM CDT  
**To:** Natalie Ferrari; Simon Batashvili; Fainche MacCarthy  
**Subject:** Re: State Farm- policy follow up

Hi Natalie —

Please see below:

Nothing is kept in a Bank Vault.

Yes, when these items aren't being worn they are kept in a safe at home.

Yes, the round brilliant diamonds are for a pair of earrings.

Simon is a venture capitalist and Fainche is an set designer

See below for all details and proof of purchase, or authenticity for everything.

When you have a chance to review, would you please confirm they're all insured (Auto, Renters, Jewelry) and send relevant proof?

Thank you!  
Gretchen

**Ring w/ Proof of Payment Below**

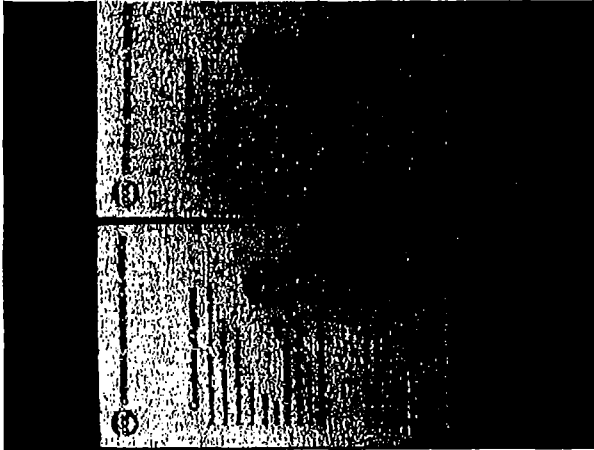
- Ladies 3-carat, F-color, VS-1 clarity Asscher Cut Solitaire - \$59,575  
\$2000 deductible- \$940

- Ladies 2-stone 18K white gold ring setting for Asscher cut diamond; .59 carats,  
F-color, Clarity VS - \$2,300  
No deductible- \$60

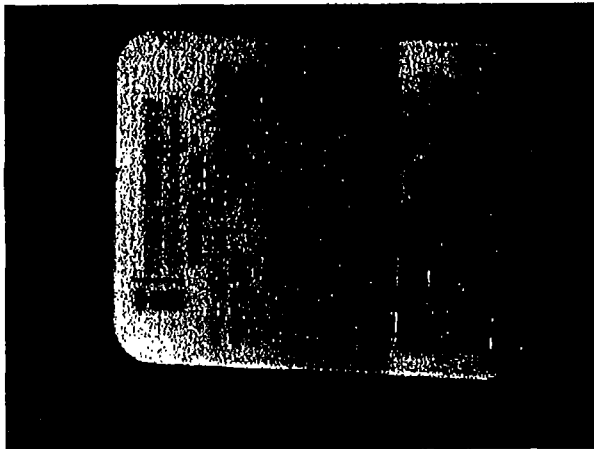


**Earrings:**

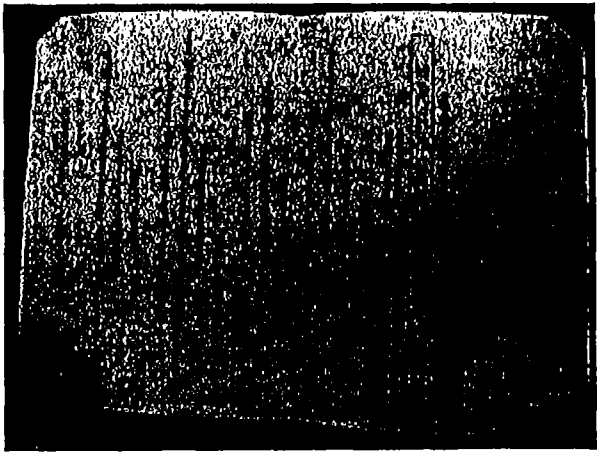
- Round Brilliant Diamond, 3.02-carat, Clarity SI-2, Color H - \$59,115  
\$2000 deductible- \$933
- Round Brilliant Diamond, 3.01-carat, Clarity SI2, Color G - \$59,575  
\$2000 deductible- \$940



Round Brilliant diamond earrings, 3.05CTTW, Color H-I, Clarity I1-I2 - \$13,000  
\$1000 deductible- \$105



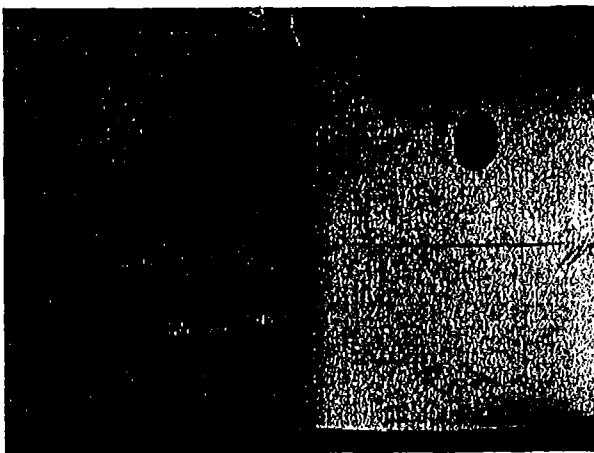
Ladies Cartier Love Bracelet, yellow gold, 4 diamonds, 16 cm - \$10,100  
\$500 deductible- \$104



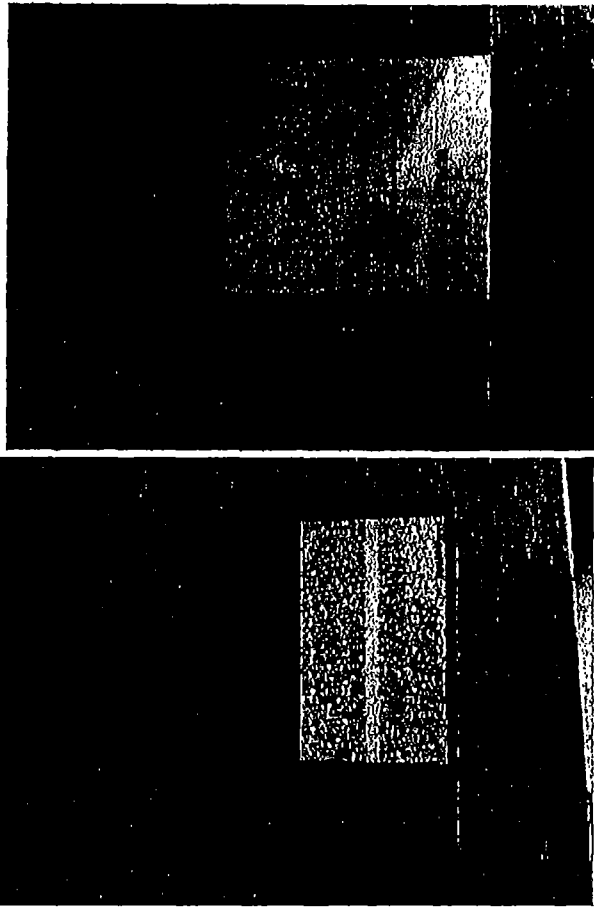
Ladies Cartier Love Bracelet, yellow gold, 16 cm - \$6,300

DO NOT INSURE

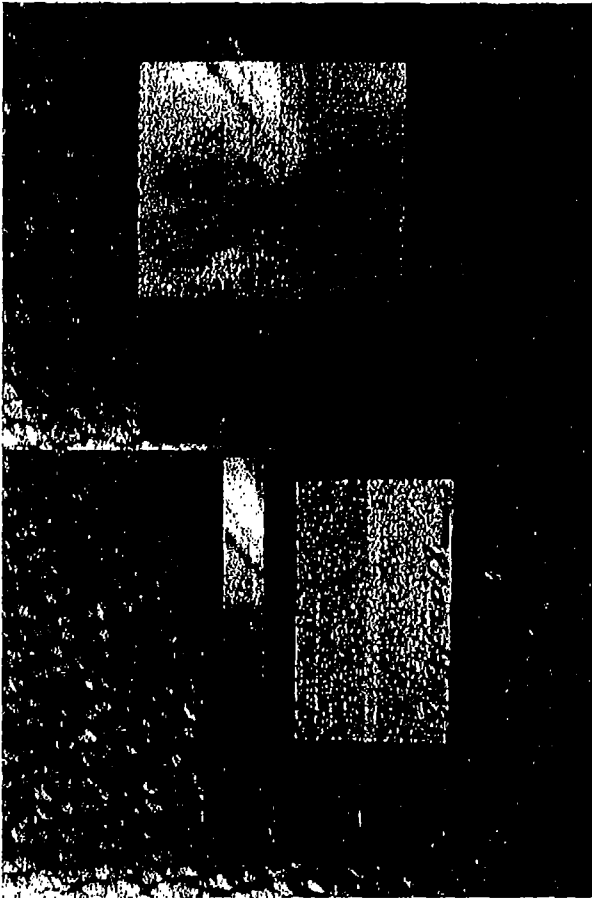
Ladies Cartier Watch, New Panther MM, Yellow Gold Pave Bezel Quart -  
\$27,100  
\$1000 deductible- \$233



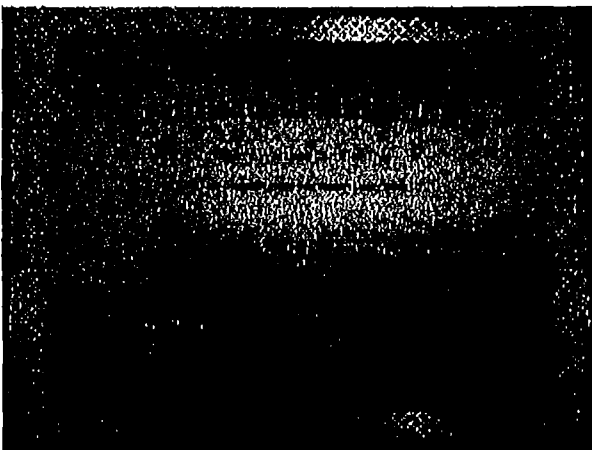
Mens Rolex Daytona 116528-GLDD Champagne Diamond 18k Yellow Gold -  
\$36,600  
\$1000 deductible- \$374



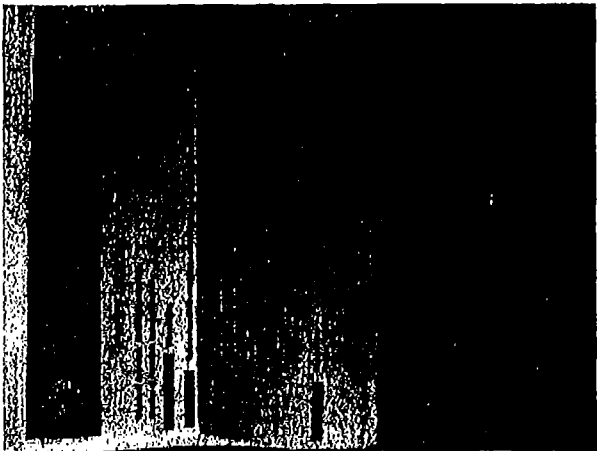
Men's Rolex Cosmograph Daytona, Oyster, 40mm, Yellow Gold - \$28,500  
\$1000 deductible- \$249



Ladies Rolex Day-Date 40, Oyster, 40mm, Yellow Gold - \$36,500  
\$1000 deductible- \$373



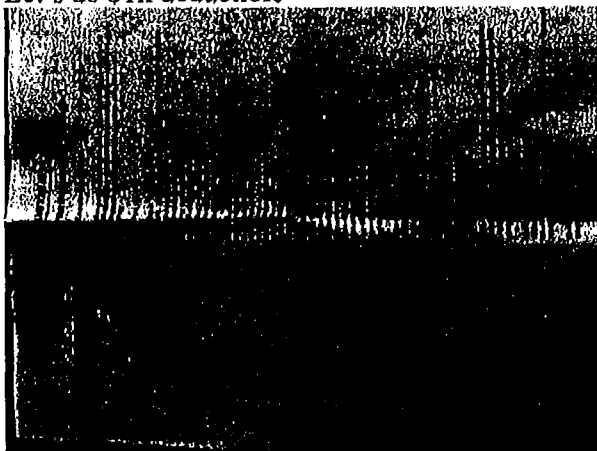
Ladies 18K White Gold Emerald Step Cut Eternity Ring. 18 Emerald step cut diamonds. 8.56 carat total, Color G, VS1 - \$42,930  
\$2000 deductible- \$415

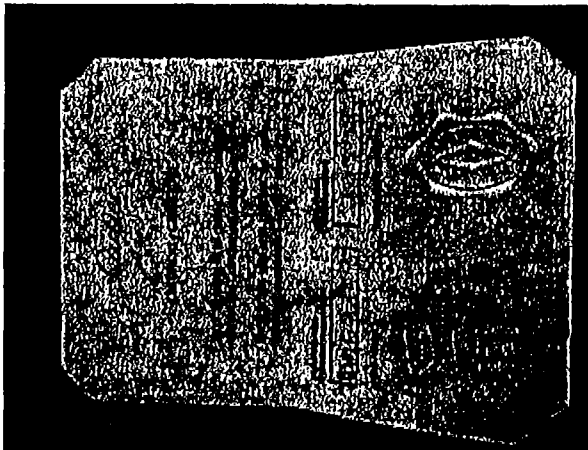


Can we add this as well?

Ladies 18k yellow gold Cartier Panthere De Cartier Cocktail Ring w/ 1.15 carats of round brilliant diamonds, pear-shaped emeralds and triangular onyx - \$20,700

Let's do \$1k deductible





Sent from my iPad

Hi Gretchen,

I hope this email finds you well. I'm writing today to follow up on the jewelry and umbrella policies. I have listed a few questions and a list of appraisals (or bill of sale) needed. Please contact me if you have any questions.

- Are any of the jewelry items kept in a bank vault? If so, which items.
- Is the jewelry kept in a safe when they are not worn?
- Reviewing the appraisals I'd like to confirm, are the round brilliant diamonds a pair for earrings? One is a 3.02 carat (coverage amount \$59,575) and the other is 3.01 carat (coverage amount \$59,115).
- What is the profession or occupation of each household member?

Appraisal or bill of sale for the following items;

- Ladies Cartier Love Bracelet, yellow gold, 4 diamonds, 16 cm - \$10,100
- Ladies Cartier Love Bracelet, yellow gold, 16 cm - \$6,300
- Ladies Cartier Watch, New Panthers MM, Yellow Gold Pave Bezel Quartz - \$27,100
- Men's Rolex Daytona 116528-GLDD Champagne Diamond 18k Yellow Gold - \$36,600
- Men's Rolex Cosmograph Daytona, Oyster, 40mm, Yellow Gold - \$28,500
- Ladies Rolex Day-Date 40, Oyster, 40mm, Yellow Gold - \$36,500

Thank you,

**Natalie Ferrari**

Lic. # 0125941

Fred Stahl, Agent

State Farm Insurance

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Tarzana, CA 91356

Office: 818-705-5846

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**Please don't make it my job to tell your family you didn't have any.**

How much Life Insurance do you need? Click [HERE](#) to find out!

\*Please do not email me any personal sensitive information Social Security Numbers, Drivers License, Dohil/Credit Card or Bank Account Numbers.

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---

**From:** Gretchen Clark  
**Sent:** Friday, May 8, 2020 1:49 PM CDT  
**To:** fainche@fainche.com  
**CC:** Simon Batashvili  
**Subject:** Re: Jewelry Insurance

Hi Simon.

Any progress with the receipts for the below items?

- Ladies Cartier Watch, New Panthers MM, Yellow Gold Pave Bezel Quart - \$27,100
- Mens Rolex Daytona 116528-GLDD Champagne Diamond 18k Yellow Gold - \$36,600
- Men's Rolex Cosmograph Daytona, Oyster, 40mm, Yellow Gold - \$28,500
- Ladies Rolex Day-Date 40, Oyster, 40mm, Yellow Gold - \$36,500

Thanks,  
Gretchen

Sent from my iPad

On May 5, 2020, at 12:12 PM, "[fainche@fainche.com](mailto:fainche@fainche.com)" <[fainche@fainche.com](mailto:fainche@fainche.com)> wrote:

Can you send receipts for the below - maybe you missed this before.

Begin forwarded message:

**From:** Gretchen Clark <[gretchen\\_clark@icloud.com](mailto:gretchen_clark@icloud.com)>  
**Subject:** Jewelry Insurance  
**Date:** 29 April 2020 at 4:25:42 pm GMT-7  
**To:** Fainche MacCarthy <[fainche@fainche.com](mailto:fainche@fainche.com)>, Simon Batashvili  
<[simon@towerequity.com](mailto:simon@towerequity.com)>

Hi there.

Do you guys have the appraisal paperwork for these items?

- Ladies Cartier Love Bracelet, yellow gold, 4 diamonds, 16 cm - \$10,100
- Ladies Cartier Love Bracelet, yellow gold, 16 cm - \$6,300
- Ladies Cartier Watch, New Panthers MM, Yellow Gold Pave Bezel Quart - \$27,100
- Mens Rolex Daytona 116528-GLDD Champagne Diamond 18k Yellow Gold - \$36,600
- Men's Rolex Cosmograph Daytona, Oyster, 40mm, Yellow Gold - \$28,500
- Ladies Rolex Day-Date 40, Oyster, 40mm, Yellow Gold - \$36,500

Thank you.  
Gretchen

1                   IN THE UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF TEXAS  
3  
4                   COMMODITY FUTURES TRADING                   )  
5                   COMMISSION et al,                   )  
6                   Plaintiffs,                   ) Case No.:  
7                   vs.                   ) 3:20-CV-2910-L  
8                   TMTE, INC. A/k/a METALS.COM,                   )  
9                   CHASE METALS, INC., CHASE                   )  
10                  METALS, LLC, BARRICK                   )  
11                  CAPITAL, INC., LUCAS THOMAS                   )  
12                  ERB a/k/a LUCAS ASHER a/k/a                   )  
13                  LUKE ASHER, and SIMON                   )  
14                  BATASHVILI,                   )  
15                  Defendants.                   )  
16                  and                   )  
17                  TOWER EQUITY, LLC,                   )  
18                  Relief Defendant                   )  
19  
20  
21  
22  
23  
24  
25

Remote video-recorded deposition of LUCAS  
ASHER, VOLUME I taken on behalf of Plaintiffs, beginning  
at 11:04 a.m. and ending at 7:42 p.m. on Thursday,  
November 5, 2020, before Mechelle S. Gonzalez, Certified  
Shorthand Reporter No. 13250.



1 Q. Have you ever owned any interest in any  
2 other offshore entity or offshore trust other than  
3 Prometheus Laboratories that we discussed here  
4 today?

5 A. No.

6 Q. Have you ever transferred any assets  
7 offshore other than the 6,000-or-so dollars that you  
8 transferred to Prometheus?

9 A. The answer to your question is no, and just  
10 in good faith, I -- I want to make the record clear  
11 that I don't recall it being exactly 6,000. It was  
12 somewhere around that amount, and it was certainly  
13 under -- under 10,000 or under 9,000 or under 8,000.  
14 So it's somewhere in that range, but not  
15 specifically the 6,000 number.

16 Q. I understand.

17 So other -- is it safe to say that you have  
18 never transferred any moneys offshore other than the  
19 sum of \$2,000 or less to the Prometheus entities we  
20 talked about here today?

21 A. What was the sum you said?

22 Q. Under \$10,000.

23 A. That's correct.

24 Q. Have you ever -- ever owned any assets as  
25 defined under this order located outside the

**AFFIDAVIT OF SOLVENCY**

The undersigned, LUCAS ASHER, authorised signatory on behalf of TOWER EQUITY, LLC., who, being first duly sworn upon oath, deposes and states as follows:

1. That, to the best of my knowledge and belief, the information provided, and any attachments hereto, are true and correct.
2. That TOWER EQUITY, LLC. is a settlor of the KOTEL INTERNATIONAL TRUST, and contemplates making transfers of property thereto in addition to its initial nominal contribution thereto.
3. That there are no pending or threatened claims or proceedings that I reasonably anticipate may result in a judgment against TOWER EQUITY, LLC., and it is not a named defendant in any lawsuit or involved in any administrative proceedings as of this date, or a judgment debtor (other than as disclosed in any attached schedule).
4. That TOWER EQUITY, LLC. does not anticipate filing for relief under the provisions of the applicable bankruptcy or insolvency laws, nor is it involved in any situation that I reasonably anticipate would cause it to file for relief under the applicable bankruptcy or insolvency laws in the future.
5. That following any transfer of its property to the trust structure, TOWER EQUITY, LLC. will be solvent and able to pay its reasonably anticipated debts (including any claims or lawsuits against it) as they come due from the balance of its property after such transfer.
6. That TOWER EQUITY, LLC. has full right, title, and authority to transfer the assets to the trust.
7. That I have read and understood the annexed description of unlawful activities, and confirm and represent that none of the assets which TOWER EQUITY, LLC. may transfer to the trust was derived from any of the activities described therein.
8. That TOWER EQUITY, LLC. is not to my knowledge, nor do I reasonably expect it to be, under investigation by any federal or state agency, or in violation of any statutes administered by, or empowering, the Internal Revenue Service, the Federal Trade Commission, the Securities and Exchange Commission, the United States Postal Service, the Drug Enforcement Agency, or the Federal Bureau of Investigation.



9. That TOWER EQUITY, LLC, is not engaged in or about to become engaged in a business or transaction for which remaining assets will be unreasonable in relation to the business or transaction.
10. That TOWER EQUITY, LLC, does not intend to incur or reasonably believe that it will incur debts beyond its ability to pay as they become due, and TOWER EQUITY, LLC, does not have the actual intent to hinder, delay, or defraud any creditor.


FURTHER AFFIANT SAY NOT.

TOWER EQUITY, LLC.

BY: Lucas Asher

LUCAS ASHER, Authorised Signatory

NOTARY ACKNOWLEDGEMENT:

<b>ACKNOWLEDGMENT</b>	
<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"><small>A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.</small></div> <div>State of California County of <u>Los Angeles</u></div> <div>On <u>03/02/2020</u> before me, <u>Dorit Moradzadeh, Notary Public</u> <small>(Insert name and title of the officer)</small></div> <div>personally appeared <u>Lucas Asher</u> who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.</div> <div>I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.</div> <div>WITNESS my hand and official seal.</div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"><div>Signature <u>Dorit Moradzadeh</u></div><div style="text-align: center;"> (Seal)</div></div>	

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From: Kotel Holdings  
Sent: Monday, July 27, 2020 10:56 AM CDT  
To: Dennis Bellchenko  
CC: Kotel Holdings  
Subject: Fwd: Payment failure: G Suite Business for kotelholdings.com

----- Forwarded message -----

From: **The G Suite Team** <[gsuite-noreply@google.com](mailto:gsuite-noreply@google.com)>  
Date: Mon, Jul 27, 2020 at 12:23 AM  
Subject: Payment failure: G Suite Business for [kotelholdings.com](http://kotelholdings.com)  
To: <[Asher@kotelholdings.com](mailto:Asher@kotelholdings.com)>

## G Suite

### Don't lose access to G Suite Business

The last payment for your G Suite Business subscription for kotelholdings.com failed. This indicates that there's something wrong with your payment method.

To prevent the suspension of all services for all users on August 3, 2020:

- Contact your bank or credit card company to resolve the issue with your payment method.
- Sign in to your Google Admin console and click **Billing** to retry or update your payment method and pay your outstanding balance. If you can't resolve the issue, you'll need to add a new payment method instead.

See complete instructions for fixing payment and billing issues or contact our support team for additional help.

Sign in

Sincerely,

The G Suite Team



**Appendix 47**

# Google Cloud

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*You're receiving this mandatory email service announcement to update you about important changes to your Google Cloud product or account.*

Lucas Asher  
KOTEL Int, Ltd.

a: P O Box 11, ANZ House Avarua, Rarotonga Cook Islands  
w [KotelHoldings.com](http://KotelHoldings.com) e: [Asher@KotelHoldings.com](mailto:Asher@KotelHoldings.com)

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1 Q. Okay. What phone numbers have you used  
2 since 2017?

3 A. I don't know.

4 Q. What was the cell phone number on the cell  
5 phone that you lost recently?

6 A. I don't recall.

7 Q. What's -- what's your current cell phone  
8 number?

9 A. I don't know.

10 Q. What e-mail addresses have you used since  
11 September 27th -- I mean, since September of 2017  
12 besides the Tower Equity one and then the one that  
13 your attorneys objected to? Other than those, what  
14 is your -- what e-mail addresses have you used since  
15 September of 2017?

16 A. I believe I've used corporate@metals.com.  
17 I believe I've used legal@metals.com. I believe  
18 I've used legal@barrickcapital.com. I believe I've  
19 used relations@towerequity.com. I believe I've used  
20 lucas@lucasasher.com. I believe I've used  
21 lucas@revo.fm. I believe I've used  
22 asher@bestnew.com, and I believe I've used  
23 corporate@texasmetals.com.

24 Q. Any others?

25 A. Possibly, but I don't recall at the time

1 A. I don't remember right now.

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2 Q. And what have you done since entry of the  
3 consent order on October 14th of 2020 to seek gainful  
4 employment to cover your reasonable and necessary living  
5 expenses?

6 A. Could you please define "what have you done"?

7 Q. What action have you taken to try to seek  
8 gainful employment?

9 A. We're in a pandemic right now. And I haven't  
10 moved forward with that due to the pandemic situation.

11 Q. Have you made any attempts to gain employment  
12 where you can work remotely?

13 A. I have not yet.

14 Q. And why is that?

15 A. In all frankness, my life was disrupted. I  
16 spent well over a decade investing as a venture  
17 capitalist. And I've been thinking a lot about what I  
18 wanted to do next with my life, and I don't have clarity  
19 yet on the direction I want to go.

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Q. Do you know if Metals.com, known as TMTE,  
Chase Metals, or Chase Metals LLC ever sent funds to  
Tower Equity?

A. Could you repeat that again a little  
slower? It was a little fast for me.

Q. Sure. Are you aware if Metals.com, known  
as TMTE, Chase Metals, or Chase Metals LLC ever sent  
funds to Tower Equity?

A. I believe it did.

Q. And what were those transfers?

A. I believe they were corporate either



1 dividends or however our attorney structured it,  
2 where when a company makes a profit, I believe it  
3 was lawfully earned profits, is my understanding.

4 Q. And you said they were -- you would  
5 characterize them as dividends; is that correct?

6 A. I -- I'm not a securities attorney, and  
7 I -- I don't characterize them as anything. I  
8 believe they were, to the best of my knowledge,  
9 lawfully earned profits.

10 Q. And what amount of funds do you know were  
11 transferred as profits from Metals.com to Tower  
12 Equity?

13 A. I don't know.

14 Q. What would you need to determine that?

15 A. I would need to be on the bank account,  
16 because I don't believe I've ever been on the bank  
17 account.

18 Q. Who would know that number?

19 A. Probably the accountants who did the books.

20 Q. For Barrick, were funds ever transferred  
21 from Barrick to Tower Equity?

22 A. I don't know. I wasn't on either of those  
23 bank accounts.

24

25

[REDACTED] Batashvili  
Wells Fargo Account x 3782

Row Labels	2017	2018	2019	2020	Grand Total
Barrick Capital x 9973				\$ 5,000	\$ 5,000
First American Estate x 9138			\$ 10,000		\$ 10,000
Instribution x 4082	\$ 20,000	\$ 2,500			\$ 22,500
Interest Payment	\$ 1	\$ 3	\$ 803	\$ 4	\$ 812
Simon Batashvili x 2591		\$ (17,500)	\$ 9,000	\$ 20,000	\$ 11,500
Tax Withholding	\$ (0)	\$ (1)	\$ (1)	\$ (1)	\$ (3)
Tower Estates x 4509				\$ 1,000	\$ 1,000
<b>Grand Total</b>	<b>\$ 20,001</b>	<b>\$ (14,998)</b>	<b>\$ 19,803</b>	<b>\$ 26,003</b>	<b>\$ 50,809</b>



**Kelly Crawford**

---

**Subject:** FW: CFTC, et al., v. TMTE, Inc, et al.,/ Case No. 3:20-cv-02910-L pending in the United States District Court for the Northern District of Texas ( Dallas Division)

**Kelly Crawford** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.706.4213

Office: 214.706.4200 | Fax: 214.706.4242

500 North Akard Street, Suite 2700, Dallas, TX 75201



**SCHEEF & STONE**  
SOLID COUNSEL

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**From:** Besen, Gene <[gbesen@bradley.com](mailto:gbesen@bradley.com)>

**Sent:** Friday, April 16, 2021 4:33 PM

**To:** Peter Lewis <[Peter.Lewis@solidcounsel.com](mailto:Peter.Lewis@solidcounsel.com)>

**Subject:** RE: CFTC, et al., v. TMTE, Inc, et al.,/ Case No. 3:20-cv-02910-L pending in the United States District Court for the Northern District of Texas ( Dallas Division)

**CAUTION: EXTERNAL EMAIL**

Peter,

I'm not in a position to opine on what our fees may or may not be. I'm simply not in a position to indicate any number whatsoever at this time. I thought I was clear during our call that I'm not committing to any number for our legal fees, and I don't think any lawyer could accurately do so.

As for untainted assets, at a minimum, we would argue that future earnings from unrelated businesses activities not connected to commodities or securities would constitute untainted assets that should be available for our clients to pay fees. I believe that is plainly argued in our papers. We may take the position other assets in the receivership estate are not tainted in the future. It would be impossible to do so at this time without our clients documents and records.

-grb

**Gene Besen**  
Partner | Bradley  
[gbesen@bradley.com](mailto:gbesen@bradley.com)  
d: 214.257.9758

**From:** Peter Lewis <[Peter.Lewis@solidcounsel.com](mailto:Peter.Lewis@solidcounsel.com)>  
**Sent:** Friday, April 16, 2021 4:24 PM  
**To:** Besen, Gene <[gbesen@bradley.com](mailto:gbesen@bradley.com)>  
**Subject:** RE: CFTC, et al., v. TMTE, Inc, et al.,/ Case No. 3:20-cv-02910-L pending in the United States District Court for the Northern District of Texas ( Dallas Division)

[External Email]

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Greetings Gene:

I hope you are well. I write to follow up my email to you below as well as our phone conversation earlier this week. More specifically, I write to remind you of the email you indicated you were going to send me to respond to the email below and/or to memorialize your comments and thoughts expressed to me during our call. In this regard, you may recall asking me what the Receiver's position would be regarding an agreement to allow Defendants Asher and Batashvili to use income from "untainted assets that, ostensibly, had no relationship to the receivership claims or assets, to help fund legal fees for your firm and proposed co- counsel. Needless to say, the Receiver needs to know what assets you/your team view/views as "untainted," as well as what your legal team's anticipated monthly burn rate is anticipated to be, in order to assess the viability of your settlement proposal. As I recall, you estimated that the legal fees burn rate alone could be higher, lower or equal to \$200,000 to \$250,000 per month. In any event, I await your responsive email. Many thanks!

Best regards,

Peter

**Peter Lewis** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.706.4241

Office: 214.706.4200 | Fax: 214.706.4242 | Cell: 214.215.0639

500 North Akard Street, Suite 2700, Dallas, Texas 75201



**SCHEEF & STONE**  
SOLID COUNSEL





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**From:** Peter Lewis

**Sent:** Tuesday, April 06, 2021 11:49 AM

**To:** [gbesen@bradley.com](mailto:gbesen@bradley.com)

**Subject:** CFTC, et al., v. TMTE, Inc, et al.,/ Case No. 3:20-cv-02910-L pending in the United States District Court for the Northern District of Texas ( Dallas Division)

Mr. Besen:

As you may know, I represent Kelly Crawford as the Receiver in the above referenced matter and am in receipt of the Emergency Motion to Modify Preliminary Injunction (“*Motion*”) and Notice of Limited Appearance you and your colleagues recently filed in the above referenced matter. In the Motion, you state that “Asher and Batashvili ...seek modification of the agreed injunction to allow them access to their existing or future untainted assets for the purpose of paying attorneys’ fees in this matter.” See *Motion*. p.3. Would you please identify for me the “existing ...untainted assets” you are referring to? Also, does your motion propose or contemplate having Asher and Batashvili work to provide income to pay the attorney’s fees your motion appears to anticipate. If so, can you provide details regarding where they would propose to work, how much they would propose to get paid and how much of what they would get paid would be directed to attorney’s fees? Thanks!

Best, Peter

**Peter Lewis** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.706.4241

Office: 214.706.4200 | Fax: 214.706.4242 | Cell: 214.215.0639

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